

REMARKS

Claims 1-15 have been examined. Claims 1-5 and 9-13 stand rejected. The Examiner has indicated that claims 6-8 and 14-15 would be allowable if rewritten in independent form. Claims 6 and 11 are cancelled by this Amendment and claim 16 is added. Thus, claims 1-5, 7-13 and 15-16 are all the claims pending in the present application.

CLAIM AMENDMENTS AND NEW CLAIMS

Claim 1 has been amended to incorporate the limitations of claim 6 and claim 11 has been amended to incorporate the limitations of claim 14. Claims 6 and 11 have been cancelled. Claims 7-8 have been amended to depend from claim 1 and claim 15 has been amended to depend from claim 11. Thus, based on the Examiner's indication that claims 6 and 14 contain allowable subject matter, Applicant submits that each of claims 1-5, 7-13 and 15 are allowable.

Claim 16 has been added and corresponds to original claims 1 and 5.

35 U.S.C. § 112 REJECTIONS

The Examiner asserts that claim 2 is vague and indefinite because the phrase "2.3 mm or more" allegedly sets forth non-equivalent alternatives. Applicant has amended claim 2 to recite "at least 2.3 mm" as shown above. Applicant submits that this amendment overcomes the Examiner's rejection.

35 U.S.C. § 103 REJECTIONS

Original claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of U.S. Patent No. 6,505,789 to Ridl et al. ("Ridl"). Applicant notes that new claim 16 corresponds to original claims 1 and 5. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to combine Ridl's springs 44 with the tape cartridge 1

of Wada to arrive at the tape cartridge as recited in original claim 5. Applicant submits that the Examiner's assertion is in error.

In Ridl, spring 44 is attached to the bottom of a case 14 at a sacrificial melt portion 53. *See* FIGS. 1, 3, 7. Thus, spring 44 lays flat across a flat bottom of case 14. *See* FIG. 3. The Examiner asserts that Wada teaches that a case is thicker at an accommodating portion 1-8. Thus, if one takes as true the Examiner's assertions, one of ordinary skill in the art would realize that combining Ridl's spring 44 with Wada's case 1 would be a difficult task. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of the two references. Incorporating the Ridl spring 44 would require Ridl's spring 44 to be elevated or inclined with respect to the bottom of case 14 and would require spring 44 to be configured so as to avoid the projections Wada allegedly teaches. Accordingly, Applicant submits that the modification proposed by the Examiner would not have been obvious to one of ordinary skill in the art at the time of the invention.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. 1.111
U.S. Patent Application No. 10/614,045

Atty Docket No. Q76355

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER



Brandon M. White
Registration No. 52,354

Date: February 2, 2005